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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

NATIONAL URBAN LEAGUE, *et al.*,

Case No. 5:20-cv-05799-LHK

Plaintiff,

**DECLARATION OF
JAMES T. CHRISTY**

V.

WILBUR L. ROSS, JR., *et al.*,

Defendants.

1 I, James T. Christy, make the following Declaration pursuant to 28 U.S.C. § 1746, and state
2 that under penalty of perjury the following is true and correct to the best of my knowledge and
3 belief:

- 4 1. This is my eleventh declaration in this lawsuit. I am making this declaration in
5 response to Court Order ECF 289.
- 6 2. Order 289 – Order Compelling Defendant’s Response is an email submission to the
7 court from an enumerator alleging he was instructed by text message to “...start
8 closing as many cases as possible. So, regardless of what happens on any of your cases
9 make one of these selections so we can get rid of cases.”
- 10 3. To investigate this issue, my staff contacted the Census Field Supervisor (CFS) and
11 several enumerators assigned to the supervisor.
- 12 4. In the course of the investigation, my staff determined that the area at issue was in the
13 Closeout phase of the Nonresponse Followup operation. As of 8:21pm Mountain on
14 10/2/2020, this Census Field Supervisor Area was 95.63% complete.
- 15 5. The CFS for this area acknowledged sending the text message to his team. In
16 conversations with my staff, he explained that he was not instructing his personnel to
17 code cases erroneously. Rather, he stated that he was conveying instructions he
18 received from a new Census Field Manager (CFM) (supervisor of the Census Field
19 Supervisors) during a call at 9:30am Mountain on October 2, where the CFM relayed
20 the correct list of “outcome codes” to resolve cases so that cases would be assigned the
21 outcome best matching their actual circumstances.
- 22 6. All three enumerators we spoke with saw the list. Two explained that they believed it
23 would be discussed on the conference call later. The other expressed confusion. None
24 of them indicated that they interpreted the message as an effort to encourage them to
25 finish cases more quickly. One enumerator (identification unknown) texted in response
26 to the group “The Census may not end yet and you’re advising us to close all cases”.
27 The CFS responded to that text by stating “Use the list above when the situation
28

1 warrants it. Case by case specific. Don't abuse it and get rid of cases still needing
2 enumeration.”

3 7. I pulled the metrics on various case completion rates to determine whether there were
4 significant differences in the manner for which cases were completed in this CFS Area.
5 There were not. For Completed Cases per Attempt, the rate for this CFS Area was
6 0.25, the rate for the Dallas Region was 0.31 and the rate for the Nation was 0.29. So
7 the rate was actually lower overall – indicating a greater effort was made to generate a
8 completed case, rather than less effort. Other measures yielded similar results – for
9 example, Completed Cases per Hour, the CFS Area rate was 1.53 compared to 1.46 for
10 the region and 1.47 for the Nation.

11 8. Based on our investigation, we believe this is an issue of miscommunication. Our
12 technical experts in the Dallas region are joining a conference call this evening with the
13 CFS Area from which the complaint originated to ensure these concepts are clearly
14 understood.

15 9. In the documents attached to the filing submitted to this Court, there were images of a
16 map from the Field Data Collection (FDC) system showing the locations of open cases
17 to be completed in the Nonresponse Followup operation. Identifying information,
18 including address locations (known internally as “map spots”) is information which the
19 Census Bureau does not release or publish and must keep confidential by law under 13
20 U.S.C. § 9. These images are not appropriate for public release.

21
22 I have read the foregoing and it is all true and correct.

23 DATED this 2nd day of October, 2020

24
25 _____
26 James T. Christy

27 Assistant Director for Field Operations

28 United States Bureau of the Census